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OFFICE OF PETITIONS

In re Application of :
Richard E. Anderson :
Application No. 09/052,673 : ON PETITION
Filed: March 31, 1998 :
Attorney Docket No. 11232 :
:

This is a decision on the petition under 37 CFR 1.137(a), filed December 30, 2004, which has been treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-final Office action mailed July 15, 2003. Accordingly, this application became abandoned on October 16, 2003. A Notice of Abandonment was mailed on October 4, 2004.

Petitioner contends the Office action was never received by applicant. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

Petitioner has submitted the necessary statement and docket records that indicate non-receipt of the Office action. As such, the holding of abandonment is withdrawn.

The petition fee has not been charged.

This application is being forwarded to Technology Center 2600 for re-mailing of the non-final Office action.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.



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Office of Petitions
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